

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Melina Razavi,

NO. C 08-05552 JW

Plaintiff,

v.

**ORDER TO SHOW CAUSE RE:  
DISMISSAL FOR FAILURE TO COMPLY  
WITH FED. R. CIV. P. 4(m); VACATING  
CASE MANAGEMENT CONFERENCE**

John Seaman, et al.,

Defendants.

Plaintiff filed this action on January 12, 2008. (See Docket Item No. 1.) Pursuant to Fed. R. Civ. P. 4(m), Plaintiff was to serve Defendants on or before May 11, 2008. The Docket reflects that to date, Plaintiff has not served any of the Defendants.<sup>1</sup> The record does not reflect that Plaintiff sought leave of the Court to extend the time for service. Accordingly, the Court ORDERS Plaintiff to appear on **October 26, 2009 at 9 a.m.** and to show cause why this action should not be dismissed for failure to comply with Fed. R. Civ. P. 4(m).

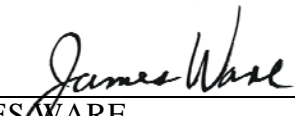
On or before **October 16, 2009**, Plaintiff shall file a response to this Order and provide the Court with an explanation as to the tardiness of her service of process. Failure to comply with any

<sup>1</sup> The docket reflects that on January 15, February 2, and April 16 of 2009, the Clerk mailed requests to Plaintiff via certified mail requesting addresses for all Defendants so that they could be served by United States Marshall. On April 27, 2009, Plaintiff filed a letter requesting appointment of counsel and stating that she was unable to provide addresses for any of the Defendants. (See Docket Item No. 14.) On May 6, 2009, mail addressed to Plaintiff was returned as unclaimed. (See Docket Item No. 16.) The docket reflects that no Defendant addresses were ever provided to the Court as requested.

1 part of this Order may result in dismissal pursuant to Fed. R. Civ. P. 41(b), which is a dismissal on  
2 the merits, or other forms of sanctions.<sup>2</sup>

3 In light of this Order, the Court VACATES the Case Management Conference scheduled for  
4 October 5, 2009.

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6 Dated: October 1, 2009

  
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JAMES WARE  
United States District Judge

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25 <sup>2</sup> The Court notes that the Court has dismissed two other actions brought by the same  
26 Plaintiff in recent years pursuant to Fed. R. Civ. P. 41(b). (See Case No. 06-0473, Docket Item No.  
27 17; Case No. 05-5298, Docket Item No. 19.) The Court dismissed both actions for, *inter alia*, failing  
28 to timely serve defendants pursuant to Fed. R. Civ. P. 4(m). It appears that Plaintiff has a habit of  
filing actions and then abandoning them.

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2  
3 Melina Razavi  
4 Post Office Box 53034  
5 San Jose, CA 95153

6 **Dated: October 1, 2009**

**Richard W. Wieking, Clerk**

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8 **By: /s/ JW Chambers**  
9 **Elizabeth Garcia**  
10 **Courtroom Deputy**